

REMARKS:

Claims 139-191 were pending in the application. Claims 148-156 and 175-183 have been canceled. Claims 139-147, 157-174, and 184-191 have been amended. Claims 192-210 have been added. Therefore, claims 139-147, 157-174, and 184-210 are now pending in this application.

Non-Statutory Subject Matter Rejections

Claims 139-143, 157-160 and 165 stand rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Amendments to the claims are presented herein that are believed to address the Examiner's concerns. Withdrawal of this rejection is respectfully requested.

Art-Based Rejections

Claims 139, 140, 141/139, 141/140, 142, 143/139, 143/140, 147/139, 147/140, 148, 157, 158, 159/157, 159/158, 160, 163/157, 163/158, 164, 165/157, 165/158, 166, 167, 168/166, 168/167, 169, 172/166, 172/167, 173, 174/166, 174/167, 184, 185, 186/184, 186/185, 187, 190/184, 190/185 and 191, stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Strandberg (U.S. Patent No. 6,054,999), and further in view of Kakiyama (U.S. Patent No. 5,600,767).

Claims 144/139, 144/140, 145, 146, 149, 150, 151/149, 151/150, 152, 153/149, 153/150, 154, 155/149, 155/150, 156, 161/157, 161/158, 162, 170/166, 170/167, 171, 175, 176, 177/175, 177/176, 178, 179/175, 179/176, 180, 181/175, 181/176, 182, 183/175, 183/176, 188/184, 188/185 and 189 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Strandberg, in view of Kakiyama, and further in view of Haataja (U.S. Patent No. 6,137,836).

Applicant respectfully disagrees with the asserted rejections. However, in an effort to bring the claims to issue more rapidly, amendments are presented herein that are believed to more clearly distinguish the cited art. In view of the claim amendments and the remarks below, withdrawal of the present rejections is respectfully requested.

Claims 148-156 and 175-183

Claims 148-156 and 175-183 are herein canceled. Therefore, the rejections as to these claims are moot.

Claims 139-147

As amended, claim 139 recites “**the wireless communication device creating a text message that includes an image representative code sequence that is indicative of the selected set of part images, . . .**” and “**using the wireless communication device, sending the text message to a receiving device . . . wherein the text message has a character limit, and is configured to be usable by the receiving device to display the selected set of part images . . . to assemble said animated image.**” Support for these amendments can be found at least at pages 26-28 and FIGS. 13A-B of PCT Publication WO 03/050763, a priority document for the present 371 application.

Strandberg, Kakiyama, and Haataja each fail to teach or suggest these limitations. Claims 140-147 depend from claim 139, and therefore also include the same limitations. Accordingly, for at least this reason, withdrawal of the rejections of claims 139-147 is respectfully requested.

Claims 157-165

As amended, claim 157 recites “**a wireless communication device receiving a text message that includes an image representative code sequence, wherein the text message has a character limit . . . using the image representative code sequence to determine . . .**” and “**assembling and displaying the animated image according to the determined set of part images . . .**” Support for these amendments can be found at least at pages 26-28 and FIGS. 13A-B of the PCT Publication.

Strandberg, Kakiyama, and Haataja each fail to teach or suggest these limitations. Claims 158-165 depend from claim 157, and therefore also include the same limitations. Accordingly, for at least this reason, withdrawal of the rejections of claims 157-165 is respectfully requested.

Claims 166-174

As amended, claim 166 recites various means for performing the function “**creating a text message conforming to a text messaging protocol that specifies a character limit [where] the text message includes an image representative code sequence that is indicative of the selected set of part images . . .**” and where “**the text message is usable by a mobile telephone to display the selected set of part images . . . to assemble said animated image.**” Support for these amendments can be found at least at pages 26-28 and FIGS. 13A-B of the PCT Publication.

Strandberg, Kakiyama, and Haataja each fail to teach or suggest these limitations. Claims 167-174 depend from claim 166, and therefore also include the same limitations. Accordingly, for at least this reason, withdrawal of the rejections of claims 166-174 is respectfully requested.

Claims 184-191

As amended, claim 184 recites various means for performing the functions “**receiving a text message that includes an image representative code sequence, wherein the text message has a character limit, and is usable by a mobile telephone to display information,**” “**using the image representative code sequence to determine . . .**” and “**assembling and displaying the animated image according to the determined set of part images . . .**” Support for these amendments can be found at least at pages 26-28 and FIGS. 13A-B of the PCT Publication.

Strandberg, Kakiyama, and Haataja each fail to teach or suggest these limitations. Claims 158-165 depend from claim 157, and therefore also include the same limitations. Accordingly, for at least this reason, withdrawal of the rejections of claims 157-165 is respectfully requested.

Applicant also asserts that numerous other ones of the dependent claims recite further distinctions over the cited art. However, since the independent claims have been shown to be patentably distinct, further discussion of the dependent claims is not necessary at this time.

Claims 192-210

New claims 192-196 each depend from claim 157 or claim 184. Accordingly, Applicant respectfully submit that claims 192-196 are not taught or suggested by the cited art.

New claim 197-208 each recite limitations that are not taught or suggested by the cited art. For example, claim 197 recites **“create a text message that includes an image representative code sequence . . .”** where **“the text message has a character limit [and] is usable by another mobile telephone to display the animated image”** and **“the device is a mobile telephony device.”** Claims 198-200 depend from claim 197, and therefore also include the same limitations.

Furthermore, claim 201 recites **“receive a text message that includes an image representative code sequence . . .”** where **“the text message has a character limit,” “the display interface being configured to display the animated image in accordance with the image representative code sequence”** and **“the device is a mobile telephony device.”** Claims 201-204 depend from claim 201, and therefore also include the same limitations.

As another example, claim 205 recites various means for performing the functions **“creating a text message that comprises an image representative code sequence . . .”** where **“the text message has a character limit, and wherein the text message is usable by a mobile telephone to display the animated image,”** and **“sending the text message to a receiving device.”** Claims 206-208 depend from claim 205, and therefore also include the same limitations.

Similarly, claim 209 recites a computer-readable medium having computer-executable instructions for performing **“creating a text message conforming to a text messaging protocol that specifies a character limit [where] the text message includes an image representative code sequence that is indicative of the selected set of part images . . .”** and where **“the text message is usable by a mobile telephone to display the selected set of part images . . . to assemble said animated image.”**

As a further example, claim 210 recites a computer-readable medium having computer-executable instructions for performing **“receiving a text message that includes an image representative code sequence, wherein the text message has a character limit, and is usable by a mobile telephone to display information,” “using the image representative code sequence to determine . . .” and “assembling and displaying the animated image according to the determined set of part images”**

Accordingly, Applicant respectfully submit that claims 197-208 are not taught or suggested by the cited art.

CONCLUSION:

Applicant respectfully submits the application is in condition for allowance, and an early notice to that effect is requested.

If any extension of time (under 37 C.F.R. § 1.136) is necessary to prevent the above-referenced application from becoming abandoned, Applicant hereby petitions for such extension.

The Commissioner is authorized to charge any fees that may be required, or credit any overpayment, to Meyertons, Hood, Kivlin, Kowert & Goetzl, P.C. Deposit Account No. 501505/6257-32303/EM.

Respectfully submitted,

Date: May 18, 2009

By: /Eric B. Min/
Eric B. Min
Reg. No. 54,761

Meyertons, Hood, Kivlin, Kowert & Goetzl, P.C.
P. O. Box 398
Austin, Texas 78767
(512) 853-8862